

PATENT

A33477 PCT USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : So et al.

Serial No. : 09/673,872

Filed : October 23, 2000

For : PHARMACEUTICAL COMPOSITION

RESPONSE TO NOTICE TO FILE MISSING  
REQUIREMENTS UNDER U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

EXPRESS MAIL LABEL NO. EK839855767US

Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

Sir:

Responsive to the Notice to File Missing Requirements of Application Under U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated March 10, 1997, enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 U.S.C. 371:

- ( ) Name of inventor and application serial number;
- ( ) Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ( ) Name of inventor, title of invention and filing date;
- ( ) Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;  
12/06/2000 ERIMANDO 00000085 09673872  
01 FC:254 65.00 DP
- ( X ) Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

RESPONSE - NOTICE  
OF MISSING PARTS

PATENT

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Also enclosed are:

1.  A check in the amount of \$ 65.00  
 \$130 - Other than Small Entity  
 \$ 65 - Small Entity  
representing payment of the surcharge  
due for late filing of the Declaration  
pursuant to 37 C.F.R. 1.492(e);
2.  An extension of time to file the Response  
to Missing Parts is respectfully requested.  
The required fee, calculated pursuant to  
1.136(a), is enclosed in the amount of \$ \_\_\_\_\_
3.  Other SMALL ENTITY VERIFICATION  
\$ \_\_\_\_\_

TOTAL FEE ENCLOSED \$ 65.00

Enclosed: Form PCT/DO/EO/905

The Commissioner is hereby authorized to charge payment of any additional fees  
associated with this communication to Deposit Account No. 02-4377. A duplicate copy of this  
sheet is enclosed.

Respectfully submitted,

Ronald B. Hildreth  
Patent Office Reg. No. 19,498  
Attorney for Applicants  
(212) 408-2544



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/673872	WAI CHIU SO	T A33477 PCT U
BAKER BOOTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 4498		INTERNATIONAL APPLICATION NO.  PCT/AU99/00294
		I.A. FILING DATE      PRIORITY DATE 20 APR 99      22 APR 98 DATE MAILED: 08 NOV 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.

- Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other: RO/101; IPEA/401

BAKER BOTTS L.L.P.

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Docketed

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2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice **MUST** be returned with this response.**

Enclosed:

PCT/DO/EO/905

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Karen Williams

Telephone: 703-305-3688